

1 (Whereupon, the document referred
2 to as PRB Exhibit No. 4 was
3 marked for identification.)

4 MS. FOELAK: Bureau Exhibit 5 would be a three-page
5 handwritten notes which are lists of businesses.

6 JUDGE CHACHKIN: The document described is marked
7 for identification as Bureau Exhibit 5.

8 (Whereupon, the document referred
9 to as PRB Exhibit No. 5 was
10 marked for identification.)

11 MS. FOELAK: Bureau Exhibit 6 is a one-page
12 declaration of Raymond A. Bobbitt dated November 26, 1990.

13 JUDGE CHACHKIN: The document described is marked
14 for identification as Bureau Exhibit 6.

15 (Whereupon, the document referred
16 to as PRB Exhibit No. 6 was
17 marked for identification.)

18 MS. FOELAK: Bureau Exhibit 7 would be a one-page
19 declaration of Forrest A. Collier dated November 26, 1990.

20 JUDGE CHACHKIN: The document is marked for
21 identification as Bureau Exhibit 7.

22 (Whereupon, the document referred
23 to as PRB Exhibit No. 7 was
24 marked for identification.)

25 MS. FOELAK: Bureau Exhibit 8, it would be a four-

1 page declaration of A. Dale Capehart which is attached to a
2 letter from Frederick M. Joyce which is dated March 5, 1991.

3 JUDGE CHACHKIN: The document is marked for
4 identification as Bureau Exhibit 8.

5 (Whereupon, the document referred
6 to as PRB Exhibit No. 8 was
7 marked for identification.)

8 MR. HARDMAN: Your Honor, can we clarify that the
9 declaration itself is actually only two pages rather than
10 four?

11 JUDGE CHACHKIN: All right.

12 MR. HARDMAN: Thank you.

13 JUDGE CHACHKIN: It is so clarified. Go ahead.

14 MS. FOELAK: Bureau Exhibit 9 would be a two-page
15 declaration of Luke A. Blatt dated August 28, 1992.

16 JUDGE CHACHKIN: The two-page document is marked for
17 identification as Bureau Exhibit 9.

18 (Whereupon, the document referred
19 to as PRB Exhibit No. 9 was
20 marked for identification.)

21 MS. FOELAK: Bureau Exhibit 10 would be a two-page
22 letter to Capitol dated May 19, 1992.

23 JUDGE CHACHKIN: The document is marked for
24 identification as Bureau Exhibit 10.

25 (Whereupon, the document referred

1 to as PRB Exhibit No. 10 was
2 marked for identification.)

3 MS. FOELAK: Bureau Exhibit 11 would be a 54-page
4 response dated June 17, 1992.

5 JUDGE CHACHKIN: The document is marked for
6 identification as Bureau Exhibit 11.

7 (Whereupon, the document referred
8 to as PRB Exhibit No. 11 was
9 marked for identification.)

10 MS. FOELAK: Bureau Exhibit 12 would be a four-page
11 Notice of Apparent Liability dated July 30, 1992.

12 JUDGE CHACHKIN: The document is marked for
13 identification as Bureau Exhibit 12.

14 (Whereupon, the document referred
15 to as PRB Exhibit No. 12 was
16 marked for identification.)

17 MS. FOELAK: Bureau Exhibit 13 would be a 19-page
18 rebuttal statement dated September 30, 1992.

19 JUDGE CHACHKIN: The document is marked for
20 identification as Bureau Exhibit 13.

21 (Whereupon, the document referred
22 to as PRB Exhibit No. 13 was
23 marked for identification.)

24 MS. FOELAK: Bureau Exhibit 14 would be a seven-page
25 document dated November 18, 1993 and titled PRB's Request for

1 Production of Documents.

2 JUDGE CHACHKIN: The document is marked for
3 identification as Bureau Exhibit 14.

4 (Whereupon, the document referred
5 to as PRB Exhibit No. 14 was
6 marked for identification.)

7 MS. FOELAK: And finally Bureau Exhibit 15 would be
8 a two-page cover letter dated December 1, 1993 from Capitol's
9 counsel, Kenneth Hardman.

10 JUDGE CHACHKIN: The document is marked for
11 identification as Bureau Exhibit 15.

12 (Whereupon, the document referred
13 to as PRB Exhibit No. 15 was
14 marked for identification.)

15 JUDGE CHACHKIN: What next? Are you offering any of
16 these exhibits or what are we doing?

17 MS. FOELAK: We're not offering any of these
18 exhibits yet. We'll be offering them through the sponsoring
19 witnesses at the proper time. I call as my first witness
20 Robert A. Moyer of RAM Technologies.

21 (Whereupon,

22 ROBERT A. MOYER, JR.
23 having first been duly sworn, was called as a witness herein
24 and was examined and testified as follows:)

25 JUDGE CHACHKIN: State your name and address for the

1 record, please.

2 MR. MOYER: My name is Robert A. Moyer, M-O-Y-E-R,
3 Jr. My address, home, is 1533 Beverly Boulevard, Ashland,
4 Kentucky, 41101.

5 DIRECT EXAMINATION

6 BY MS. FOELAK:

7 Q Mr. Moyer, could you state what the name of your
8 company is?

9 A The company name is RAM Technologies, Inc.

10 Q And could you state what the nature of your business
11 is, what you do?

12 A We're a communications company providing
13 interexchange carrier, paging, telephone answering service,
14 and business telephone systems design and system
15 implementation.

16 Q And is that paging a private carrier paging or
17 common carrier?

18 A Private carrier paging.

19 Q And what frequency is it licensed for and what area?

20 A 152.480 and it covers Kentucky, Ohio, and West
21 Virginia.

22 Q Can you tell us something about 152.480, whether
23 it's an exclusive frequency to you or what it's nature is?

24 A 152.480 is a shared paging PCP, private carrier
25 paging channel authorized by the Commission for one-way paging

1 application.

2 Q Turning your attention to Capitol Radiotelephone
3 Company, do you know what business they're in as well?

4 A They're in the radio common carrier paging business
5 and telephone answering service business.

6 Q Would they -- would that provide competition to RAM?

7 A Yes, it would

8 Q Can you describe the differences between the private
9 carrier paging PCPs, such as yours on 152.480, and the radio
10 common carrier frequency arrangement?

11 MR. HARDMAN: I'm going to object, Your Honor.
12 There's no foundation that this witness knows about the RCC
13 business.

14 JUDGE CHACHKIN: I'll overrule the objection. I
15 don't think the question calls for expertise.

16 MR. MOYER: Would you repeat the question?

17 BY MS. FOELAK:

18 Q Could you describe the difference when it comes to
19 frequency use between the private carrier paging and the
20 common carrier?

21 A Well, the common carrier operates under Part 22 of
22 the rules and is more of a geographically protected contour
23 frequency. Private carrier paging is a frequency of a shared
24 nature where multiple users can be on a frequency.

25 Q So the common carrier does not share.

1 A No, ma'am. It does not share.

2 Q Turning your attention to early 1990 and Capitol's
3 private carrier paging application, when did you become aware
4 they filed for a PCP?

5 A I believe it was in early 1990 when I had the
6 Motorola sales people in my office making a sales call and
7 they advised me that Capitol was filing for the 152.48 PCP
8 channel in order to call or busy-up the channel --

9 MR. HARDMAN: I object, Your Honor. That's hearsay.
10 He's attributing statements to Motorola sales people.

11 JUDGE CHACHKIN: Are you offering this for the truth
12 of the matter or just his state of mind?

13 MS. FOELAK: I'm just trying to establish when he
14 learned of the application, not for the truth of Capitol's
15 motives in filing.

16 JUDGE CHACHKIN: I'll receive it just for the state
17 of mind as to what he learned about the truth and what he
18 might've said about it.

19 BY MS. FOELAK:

20 Q Were you surprised that Capitol sought to have a
21 PCP?

22 A Yes, ma'am, I was surprised.

23 Q And why was that?

24 A Simply because of the channel and their existing RCC
25 channel having to pass and to serve most of their paging or

1 all their paging requirements.

2 Q Had Capitol ever expressed an attitude towards PCP
3 service that was not consistent with wanting one?

4 A Yes. In several of their advertisements and local
5 media, radio, TV adds, they looked at PCP as an inferior
6 service, that it was a shared party-line type service and
7 actually had the radio and TV ads reflecting that.

8 MS. FOELAK: Your Honor, may I approach witness with
9 a copy of the exhibits?

10 JUDGE CHACHKIN: Yes.

11 MS. FOELAK: Let the record reflect that I've handed
12 a copy of the exhibits to the witness.

13 BY MS. FOELAK:

14 Q Mr. Moyer, could you turn to the tab marked PRB-2?
15 Does that document look familiar to you?

16 A Yes, it is a declaration.

17 Q And is that your signature?

18 A Yes, it is.

19 Q And is there anything in there that you would want
20 to change at this time?

21 A No, ma'am.

22 MS. FOELAK: Your Honor, I move that the exhibit,
23 which has been marked for identification as PRB Exhibit 2 be
24 received into evidence.

25 MR. HARDMAN: Objection, Your Honor. If you'll

1 observe in Paragraph Two, the critical part of the declaration
2 is in the second to the last sentence of Paragraph Two that
3 says, "After further monitoring, it was determined that
4 Capitol Radio ..." This witness didn't make that
5 determination. This is hearsay and we object on that basis.

6 MS. FOELAK: Your Honor, I propose to examine Mr.
7 Moyer in greater detail and it will be shown that he learned
8 of his own personal knowledge of this event described there.

9 MR. HARDMAN: Well, in that case, Your Honor, this
10 is accumulative. They have the -- they have the witness here
11 who evidently is prepared to testify as to certain matters
12 within his personal knowledge, in which case, this exhibit
13 serves no useful purpose. It's just hearsay and accumulative.

14 MS. FOELAK: Your Honor, this is a contemporaneous
15 record of what he experienced at the time in November 1990.

16 MR. HARDMAN: I haven't impeached his testimony yet.

17 JUDGE CHACHKIN: Well, the fact that it's a
18 contemporaneous record doesn't seem to me to justify its
19 inclusion in the record. The witness is here. I assume the
20 other side will use it -- Mr. Hardman will use it if he wants
21 to impeach the witness. But since he's not being offered as
22 direct examination, which he gave in recent times -- a
23 statement that he made in the past, I don't see how it's
24 relevant. It's hearsay and I'm going to sustain the objection
25 to the exhibit. It's your witness. You wanted to put him on

1 direct, you have him.

2 MS. FOELAK: Very well, Your Honor.

3 JUDGE CHACHKIN: If the witness wants to use this to
4 refresh his recollection, he can do so. But that's different
5 than offering the exhibit into evidence.

6 MS. FOELAK: Very well.

7 (Whereupon, the document referred
8 to as PRB Exhibit Number 2 was
9 rejected.)

10 BY MS. FOELAK:

11 Q Mr. Moyer, when you learned of Capitol's PCP
12 application, what was your expectation of what might occur on
13 the frequency?

14 JUDGE CHACHKIN: Mr. Moyer, would you please put
15 that book away? You're testifying today, not what you said in
16 1990. As I said, if you need it to refresh your recollection,
17 you can refer to it. Go ahead, Counsel.

18 MR. MOYER: When I first heard of the PCP filing and
19 conversations with, once again, Motorola, who is my supplier
20 of product and services and also Capitol's supplier, I was
21 really appalled that they would file for 152.48 to cause this
22 type of interference --

23 MR. HARDMAN: I object, Your Honor. There's no
24 foundation for that testimony. There's been no -- there's
25 been no testimony about the -- Capitol causing interference

1 other than for state of mind.

2 MS. FOELAK: Your Honor, I was asking him about his
3 state of mind and his expectation by way of context of getting
4 around to asking him what he observed.

5 JUDGE CHACHKIN: Well, you haven't asked him any
6 question yet about this. He just volunteered it. So I'll
7 strike his response which apparently wasn't responsive to your
8 question and you can start over again. His response is
9 stricken.

10 BY MS. FOELAK:

11 Q Mr. Moyer, turning your attention to the fall of
12 1990, November of 1990, did you -- what experience did you
13 have on 152.480 in the operation of your paging station?

14 A Well, we experienced delay in transmissions and
15 traffic on 152.480 and after investigation by myself and
16 monitoring the frequency, it was determined that Capitol was
17 rebroadcasting their RCC paging traffic onto the private
18 carrier channel.

19 Q Mr. Moyer, can you tell us step by step what you did
20 to come to that conclusion?

21 A I have at my home and at my office a scanner, that
22 is a fixed frequency scanner or program scanner that I can
23 punch in the frequencies of various VHF bands much like anyone
24 uses to monitor the police or fire, et cetera.

25 Q Just in case anybody is not technically astute, is a

1 scanner a radio receiver or --

2 A Well, yes. It is a radio receiver and it has a
3 selectable frequency synthesizer in it that lets me select the
4 frequency that I want to monitor. At the same time, I have a
5 direct line, a monitor circuit, of our paging system, 152.48,
6 and when the interference was reported to me and the delays,
7 as I tried to make the determination of what the problem was,
8 I punched in or dialed in or frequency selected 152.51, which
9 is Capitol's RCC channel, and then I had 152.48 and both
10 systems were simultaneously delivering the same messages.

11 Q Now, you had how many radio receivers --

12 JUDGE CHACHKIN: Are you finished with your
13 response?

14 MR. MOYER: Yes.

15 JUDGE CHACHKIN: Go ahead. I wasn't sure whether
16 the witness had finished his response to your question.

17 BY MS. FOELAK:

18 Q You had how many radio receivers --

19 A I had two. I had one on 152.48 and I had one on
20 152.51 and the information that was presently locking up our
21 system was simultaneously being transmitted on 152.51 and
22 152.48 or Capitol's RCC frequency and Capitol's PCP or RPCP
23 channel here and it was in a stereo effect. Exactly what was
24 coming out on 152.51 was coming out on 152.480.

25 Q And you determined this by listening or by some

1 other means as well?

2 A No, by listening.

3 Q Are there any dials or display units on these radios
4 that would show the signal going on?

5 A On the scanner, it has a frequency indicator what
6 channel, what frequency specifically you're listening to, you
7 know, on the face of the scanner. So if I select 152.510,
8 that's what displayed and that's what -- the traffic that I
9 hear.

10 Q And why again was it that you were -- that you
11 believed that this was coming from Capitol?

12 A Well, I had reports that our paging system was not
13 delivering the pages to the customers.

14 Q But why is it that you believed that the
15 transmissions that you were listening to and looking at came
16 from Capitol?

17 A Well -- and again, it goes back to our suspicious --
18 or indications from other people that Capitol was going to
19 load up their -- the channel with garbage, interference.

20 Q Was Capitol's call sign given on the frequencies you
21 were listening to?

22 A Yes. I believe it was.

23 Q And was this the first that you had experienced
24 actual difficulties on the frequency?

25 A That was the beginning of a three-year process.

1 Q And were there sub-- can you -- can you identify any
2 subsequent occasions when this may have occurred?

3 A I just don't remember.

4 Q Did you communicate with Capitol about this?

5 A I think that Mr. Capehart may have had some
6 communications with Capitol. He would be able to answer that.

7 Q So from 1990, you indicated there was a three-year
8 process. Do you recall when the interference stopped -- well,
9 did the interference ever stop for good?

10 A Well, yes. About 30 days ago, it stopped. I
11 haven't had any interference whatsoever.

12 MS. FOELAK: Thank you. That's all I have.

13 JUDGE CHACHKIN: Cross examination?

14 CROSS EXAMINATION

15 BY MR. HARDMAN:

16 Q Mr. Moyer, you said that, if I understand your
17 testimony correctly, that back in -- this incident in November
18 of 1990, when you had this stereo effect from listening to two
19 receivers, that you believe there was a call sign transmitted
20 in that. Is that correct?

21 A Yes, sir. I believe so.

22 Q What was the call sign?

23 A I have no idea. I can't recall. It's been four
24 years.

25 Q And the receiver that -- the scanner receiver that

1 | you used, that's not a direction finder, is it?

2 | A No, it is not a direction finder.

3 | Q So the only thing it was telling you is that there
4 | was traffic on the two channels and you were orally comparing
5 | the two and concluding that it was the same traffic. Is that
6 | right?

7 | A Yes, sir.

8 | Q And if I understand your testimony, because you had
9 | previously been suspicious of Capitol's motives, you then
10 | concluded that Capitol was intentionally causing that signal
11 | on 152.48 megahertz. Is that also right?

12 | A That's correct to a degree, sir. But I think Mr.
13 | Ray Bobbitt, one of our network engineers, may answer that
14 | question.

15 | Q Well, we'll have Mr. -- we'll have questions for Mr.
16 | Bobbitt. But I'm asking you the conclusion you drew -- AI
17 | don't recognize the exact call sign that I heard and the
18 | conclusions for it. Yes, I believe it was Capitol.

19 | JUDGE CHACHKIN: Did you get a response to your
20 | question?

21 | MR. HARDMAN: I don't mean to -- yeah. I don't mean
22 | to belabor it, but I just want to make sure.

23 | BY MR. HARDMAN:

24 | Q When you heard the -- what you believed to be the
25 | same signal on the two channels, 152.51 megahertz and 152. 48

1 megahertz, is it not true that you concluded that Capitol was
2 deliberately causing the signal on 152.48 megahertz because
3 you had been suspicious of their motives in applying for the
4 PCP frequency to begin with?

5 A Well, that's one reason, sure.

6 Q Well, at that time, was there anything else you did
7 to determine the -- that it was, in fact, Capitol causing the
8 signal on 152.48 megahertz?

9 A Yes, sir. I believe that I did call a Capitol DID
10 telephone number of a tone and voice pager which I think is
11 Mr. Raymon's, who I happened to have in my file, and when I
12 called there, that number, and you know, the message came out
13 over, not only 152.48, but it did come out over --

14 Q What kind of a pager was this?

15 A I believe it was a tone and voice.

16 Q Tone and voice. And do you know what frequency the
17 pager was on?

18 A I believe -- no, I do not.

19 Q Thank you. Now, the office where you conducted the
20 oral monitoring, where is that located?

21 A Ashland, Kentucky, sir.

22 Q Before you were a PCP, did you either engage in
23 business as a radio common carrier or owner-control a radio
24 common carrier?

25 A I've been in business --

1 MS. FOELAK: Objection. It's irrelevant.

2 MR. HARDMAN: This is --

3 JUDGE CHACHKIN: I'll overrule the objection. Go
4 ahead. Did you respond, sir?

5 MR. MOYER: No, sir.

6 JUDGE CHACHKIN: Would you respond?

7 MR. MOYER: Yes, sir. I have been involved in the
8 telecommunications business since 1968.

9 BY MS. HARDMAN:

10 Q As a radio common carrier?

11 A As a common carrier and as -- in the two-way radio
12 business.

13 Q At this point, I'm really only focusing on the radio
14 common carrier, primarily the paging and the common carrier
15 mobile business.

16 A I have been in the RCC industry for 25 years.

17 Q Now -- and I assume that you're familiar with the
18 so-called guard-band paging frequencies, are you not?

19 A Yes, I am.

20 Q And I assume you're familiar with the fact, are you
21 not, that in many markets across the country, radio common
22 carriers share those paging frequencies?

23 A To a certain degree.

24 Q You're aware that this -- that this does occur, does
25 it -- are you not?

- 1 A Yes. Much like in most radio services.
- 2 Q So earlier, when you testified that radio common
3 carrier paging frequencies are not shared, that wasn't
4 correct, was it?
- 5 A Yes, it was indirectly, sir. I believe that you
6 have a protected contour around that station and that contour
7 as such is a protected contour from interference, either
8 receiving or causing interference outside your contour. It is
9 a protected channel.
- 10 Q That is normally the case, is it not?
- 11 A That is normally the case.
- 12 Q But there are exceptions, are there not, with the --
13 specifically with regard to the guard-band frequencies that
14 are shared in major markets across the country?
- 15 A You know, I have not seen a guard-band channel
16 shared. I have seen some networking of adjacent, same
17 frequencies on guard-band.
- 18 Q Do you not -- you don't know whether they are shared
19 or not.
- 20 A No.
- 21 Q Going back to when you first found out about the
22 Capitol application for 152.48 megahertz and as I recall your
23 testimony, you said that was in early 1990? Is that right?
- 24 A I believe that's correct.
- 25 Q Would that have been in January 1990?

1 A I don't remember the exact date. Do you have
2 something to refresh my memory?

3 Q Perhaps.

4 A It's been four years ago.

5 Q Sure, sure. Do you recall at that time, at the time
6 you learned of the application, that you called Dan Stone, the
7 president and majority stockholder of Capitol?

8 A Yes. I did talk to Mr. Stone.

9 Q And would that have been on the 24th of January
10 1990?

11 A I have no idea, sir.

12 Q Could it have been the 24th of January?

13 A I don't know. I don't recall.

14 MR. HARDMAN: May I approach the witness, Your
15 Honor?

16 JUDGE CHACHKIN: Yes.

17 MR. HARDMAN: I have a document. Would you like an
18 identification on this?

19 JUDGE CHACHKIN: Do you want this as 26 or what?

20 MR. HARDMAN: Yes. If you could, please, mark this
21 as Capitol Exhibit 26.

22 JUDGE CHACHKIN: All right.

23 MR. HARDMAN: For identification.

24 JUDGE CHACHKIN: For identification, yes, sir. The
25 one-page document having the title Telephone Answering Service

1 will be marked for identification as Capitol Exhibit 26 with
2 the understanding there are 25 other exhibits which have yet
3 to be identified.

4 (Whereupon, the document referred
5 to as CAP Exhibit No. 26 was
6 marked for identification.)

7 BY MR. HARDMAN:

8 Q Mr. Moyer, I will represent to you that this is a
9 copy of a message slip from Capitol's telephone answering
10 service business and ask you if you recognize the date stamped
11 there, January 24, 1990?

12 A Yes, sir. I recognize January 24.

13 Q And do you see that the message slip says that Bob
14 Moyer was the caller at 7:41 p.m. and the message was to call
15 or at least the call was from 606-329-2519?

16 A Yes, I see that.

17 Q Now, with this document, does that refresh your
18 recollection about whether you had a conversation with Dan
19 Stone on that day?

20 A Well, I've had several conversations with Mr. Stone
21 in the past. I mean, I don't know what this particular call
22 record may be, but --

23 Q You don't recall whether this --

24 A I don't recall this telephone call out of several
25 that I may have made to Dan Stone.

1 Q Do you recall a conversation after -- shortly after
2 you learned of Capitol's PCP application, recall a
3 conversation with Dan Stone in which you stated that RAM had
4 made a "corporate decision" that Capitol would not be allowed
5 on 152.48 megahertz?

6 A I mean, I don't remember that.

7 Q It could've happened then.

8 A No. I don't believe that it did.

9 Q You don't think that it did, but you're not certain.

10 A I know I never made that statement to Dan Stone.

11 Q You're now certain --

12 A To the best of my -- to the best of my knowledge, I
13 do not recall making that statement.

14 Q Well, I just want to make sure I understand your
15 testimony. Are you stating that you definitely remember that
16 you didn't make the statement or you didn't make the statement
17 as far --

18 MR. JOYCE: I object to the form of the question,
19 Your Honor. I think he answered the question that was asked.

20 JUDGE CHACHKIN: The witness, as I have gathered,
21 denies making such a statement. Is that correct?

22 MR. MOYER: I can't remember, Your Honor.

23 JUDGE CHACHKIN: You can't remember what, making the
24 statement or --

25 MR. MOYER: Making the statement, sir.

1 JUDGE CHACHKIN: Is Mr. Stone going to testify in
2 rebuttal?

3 MR. HARDMAN: I believe in light of the witness'
4 testimony, he probably will, Your Honor.

5 MR. JOYCE: He's not designated as a witness, Your
6 Honor.

7 JUDGE CHACHKIN: Well, it's rebuttal. There's no
8 need for rebuttal to designate witnesses. You don't know
9 what's going to happen during the hearing.

10 MR. HARDMAN: That's all my questions, Your Honor.

11 JUDGE CHACHKIN: Any redirect?

12 MR. JOYCE: I have redirect, Your Honor.

13 JUDGE CHACHKIN: I mean, do you have further cross?

14 MR. JOYCE: No, I have redirect. We're parties --

15 MR. HARDMAN: I object, Your Honor.

16 JUDGE CHACHKIN: On what grounds?

17 MR. HARDMAN: It's the government's witness. If
18 there's any redirect --

19 JUDGE CHACHKIN: Well, it's not redirect. It's
20 cross. He's a party. He has a right to examine the witness.

21 MR. HARDMAN: It's his client, Your Honor. How
22 could you have cross examination of your own client?

23 MS. FOELAK: Your Honor, we don't care what the
24 nature of the questions are called. If Mr. Joyce wishes to
25 address the questions --

1 JUDGE CHACHKIN: I'll allow Mr. Joyce to examine.
2 In the future, what we will do then is have Mr. Joyce, at
3 least with these witnesses which are principles of RAM, have
4 him go right after the Bureau and then you could cross
5 examine. In fact, I will give you an opportunity to cross
6 examine after Mr. Joyce is finished with his questions.

7 MR. HARDMAN: Very well, Your Honor. Thank you.

8 JUDGE CHACHKIN: Go ahead, Mr. Joyce.

9 REDIRECT EXAMINATION

10 BY MR. JOYCE:

11 Q Mr. Moyer, you said that you were in the RCC paging
12 business for awhile?

13 A Yes. I've been involved in the RCC paging business
14 since 1968.

15 Q So were you -- before you started this PCP
16 operation, were you on the sidelines for awhile then? Is it
17 --

18 A Yes. I sold -- I had operations -- paging
19 operations both in Florida and in Kentucky, Ohio, and West
20 Virginia in other operations and I sold those particular --
21 Kentucky, Ohio, and West Virginia operations in 19-- I want to
22 think '84 and operated those companies for -- you know,
23 fifteen plus years.

24 Q And it was in the same area where you're now
25 providing PCP service?

1 A Yes, it is.

2 Q So about when was it -- I wanted to clarify some of
3 the dates here. About when was it that you got into the PCP
4 business?

5 A Oh, I got back into the PCP business, I think
6 roughly in March or May of 1989.

7 Q So would the folks at Capitol, would they have known
8 of you as being somebody who's got some expertise in paging?

9 A Yes. Yes, they would.

10 Q Would they have competed with you prior to that
11 period when you were back in RCC paging --

12 A Sure. In the common carrier -- when we operated the
13 common carrier in the greater tri-state area, we were
14 competitors.

15 Q Was Dan Stone with Capitol at that time?

16 A Yes. I've known Mr. Stone for a number of years.

17 Q What about Mike Raymond?

18 A I only met Mr. Raymond, I think, probably in '89.

19 Q When you got into the PCP business then in 1989,
20 Capitol was operating an RCC paging business?

21 A Yes. They were operating the same RCC company.

22 Q Why did you choose 152.48 PCP? Why didn't you apply
23 for an RCC paging channel?

24 A Well, of course --

25 MR. HARDMAN: Your Honor, I'm going to object to

1 | this line of questions. This is beyond both the direct and
2 | the cross.

3 | JUDGE CHACHKIN: Well, it's really a form of --
4 | well, this is an unusual situation. We have a party -- no
5 | limitations on the party. The party has a right to ask
6 | questions of any witness. As far as your objection is
7 | concerned, I'll sustain it on the grounds of relevance. The
8 | reason why he chose it is irrelevant in this proceeding.

9 | BY MR. JOYCE:

10 | Q The differences between PCP and RCC, you had alluded
11 | to them earlier, Mr. Moyer. I guess in light of the
12 | interference that occurred on PCP, I was wondering why you
13 | would've applied for a PCP frequency.

14 | A Well, I applied for the PCP in order to get up and
15 | running. The engineering is much less expensive to do. I
16 | already had the experience of the terrain. I had knowledge of
17 | the local terrain, experience for a number of years in
18 | operating a VHF paging system, and I wanted to, of course, get
19 | back in the paging business and selected the PCP. The other
20 | reason is that we had an arrangement with USA Network -- or
21 | Network USA to provide nationwide paging on that channel under
22 | an interconnection agreement.

23 | Q You knew when you applied for that license, that
24 | this was a shared frequency though, didn't you?

25 | A Yes, I did.